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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,504	06/29/2001	Hirotsugu Kawada	2001_0920A	6297

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EXAMINER

SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,504

Applicant(s)

KAWADA ET AL.

Examiner

Eleni A Shiferaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/9/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. Applicant's amendments/arguments with respect to amended claims 1, 3-7, and 9-12, and original claims 2 and 8 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner accepts the amended specification and abstract.
3. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada et al. (Osada, Patent No.: US 6,477,127 B1) in view of Komuro et al. (Komuro, Patent No.: US 6,223,285 B1).

As per claim 5, Osada teaches an optical disk that has a first area and a second area, and is intended for consumer use or industrial use (first user data or user data A, and second user data or user data B is recorded), wherein

digital content is recorded in the first area if the optical disk is intended for consumer use (fig. 5 element “user data A”, col. 14 lines 16-32, and col. 6 lines 15-44); and

the digital content is recorded in the second area (col. 6 lines 15-44 and lines 54-62, col. 4 lines 12-14, and fig. 6 element user data B) and message data is recorded in the first area, if the optical disk is intended for industrial use (col. 8 lines 63-67), and

Osada teaches a video disk recorder recording first user data and second user data in two sectors and repeatedly recording copy right protection to inhibit copy more than once for all the sectors (col. 8 lines 67, claim 1 line 10). Osada does not explicitly teach wherein the message data indicates that the digital content cannot be reproduced by the consumer reproduction apparatus. However **Komuro** discloses audio/video recorder device recording audio/video information according to multiple copy security information. One of the copy securities is copy prohibition (col. 6 lines 17-45, and fig. 7 No. 730, 740, and 750). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Komuro within the system of Osada because they are analogous in digital data recording (fig. 7 No. 730, 740, and 750). One would have been motivated to incorporate the teachings of Komuro within Osada because it would protect illegal reproduction of the digital content (col. 4 lines 21-59).

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As per claim 6, Osada teaches an optical disk which has a first entry area and a second entry area and on which digital content is recorded, wherein

the first entry area is an area to be first accessed when the optical disk is loaded to a consumer reproduction apparatus, the second entry area is an area to be first accessed when the optical disk is loaded to an industrial reproduction apparatus (col. 6 lines 15-44, col. 4 lines 12-14),

a jump command that designates the digital content as a jump destination is written in the first entry area, if the optical disk is intended for consumer use (col. 6 lines 15-44, col. 4 lines 12-14, and fig. 6 element user data A), and

a jump command that designates message data as a jump destination is written in the first entry area (col. 21 lines 59-62), and a jump command that designates the digital content as a jump destination is written in the second entry area, if the optical disk is intended for industrial use (col. 6 lines 15-44 and lines 54-62, col. 4 lines 12-14, and fig. 6 element user data B), and

Osada teaches a video disk recorder recording first user data and second user data in two sectors and repeatedly recording copy right protection to inhibit copy more than once for all the sectors (col. 8 lines 67, claim 1 line 10). Osada does not explicitly teach wherein the message data indicates that the digital content cannot be reproduced by the consumer reproduction apparatus. However **Komuro** discloses audio/video recorder device recording audio/video information according to multiple copy security information. One of the copy securities is copy prohibition (col. 6 lines 17-45, and fig. 7 No. 730, 740, and 750). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings

of Komuro within the system of Osada because they are analogous in digital data recording (fig. 7 No. 730, 740, and 750). One would have been motivated to incorporate the teachings of Komuro within Osada because it would protect illegal reproduction of the digital content (col. 4 lines 21-59).

5. Claims 1-2, 4, 7-8, and 10-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada et al. (Osada, Patent No.: US 6,477,127 B1) in view of Komuro et al. (Komuro, Patent No.: US 6,223,285 B1), and Benaloh (Patent No.: US 6,886,098 B1).

As per claims 1, 4, 7, and 10, Osada teaches a recording apparatus/method/medium for recording digital content onto an optical disk which has a first entry area and a second entry area, the first entry area being an area that is to be first accessed when the optical disk is loaded to a consumer reproduction apparatus, and the second entry area being an area that is to first accessed when the optical disk is loaded to an industrial reproduction apparatus (claim 1), the recording apparatus comprising:

an accepting unit operable to accept from a user an indication whether the optical disk is intended for consumer use or industrial use (col. 14 lines 16-32, col. 6 lines 15-44, and fig. 6; optical disk 1 accepted to record first user data or user data A, and second user data or user data B is recorded);

a first writing unit operable to, when the optical disk is intended for consumer use, (a) write the digital to the optical disk, and (b) write a jump command which designates the digital

content as a jump destination, to the first entry area (col. 6 lines 15-44, col. 4 lines 12-14, and fig. 6 element user data A); and

a second writing unit operable to, when the optical disk is intended for industrial use, (a) write the digital content and message data to the optical disk, (b) write a jump command which designates the message data as a jump destination, to the first entry area (col. 8 lines 63-67), and (c) write a jump command which designates the encrypted digital content as a jump destination, to the second entry area (col. 6 lines 15-44 and lines 54-62, col. 4 lines 12-14, and fig. 6 element user data B),

Osada teaches a video disk recorder recording first user data and second user data in two sectors and repeatedly recording copy right protection to inhibit copy more than once for all the sectors (col. 8 lines 67, claim 1 line 10). Osada does not explicitly teach wherein the message data indicates that the digital content cannot be reproduced by the consumer reproduction apparatus. However **Komuro** discloses audio/video recorder device recording audio/video information according to multiple copy security information. One of the copy securities is copy prohibition (col. 6 lines 17-45, and fig. 7 No. 730, 740, and 750). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Komuro within system of Osada because they are analogous in digital data recording (fig. 7 No. 730, 740, and 750). One would have been motivated to incorporate the teachings of Komuro within Osada because it would protect illegal reproduction of the digital content (col. 4 lines 21-59).

Osada and Komuro fails to explicitly teach an encrypting unit operable to encrypt the digital content, according to a different encryption method depending on whether the optical disk is intended for consumer use or industrial use. However **Benaloh** discloses an encrypting unit operable to encrypt the digital content, according to a different encryption method depending on whether the digital content is intended for the first user or second user (col. 21 lines 59-62). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Benaloh within the combination system of Osada and Komuro because they are analogous in digital content (col. 3 lines 43-55). One would have been motivated to incorporate the teachings of Benaloh within the system of Osada because it would enhance security.

As per claims 2, 8, and 11, Osada, Komuro and Benaloh teach all the subject matter as described above. In addition Benaloh teaches an apparatus/method/medium, wherein the encryption method for consumer use is to encrypt the digital content using a first content key which is to be encrypted using a disk key unique to the optical disk (col. 21 lines 59-60), and

the encryption method for industrial use is to encrypt the digital content using a second content key which is to be encrypted using a device key unique to an industrial reproduction apparatus (col. 21 lines 61-62). The rationale for combining are the same as claim 1 above.

6. Claims 3, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada et al. (Osada, Patent No.: US 6,477,127 B1) in view of Komuro et al. (Komuro, Patent No.: US

6,223,285 B1), Benaloh (Patent No.: US 6,886,098 B1), and further in view of Quinnett et al. (Quinnett, Patent No.: US 6,615,160 B1).

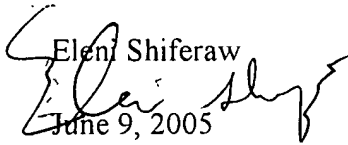
As per claims 3, 9, and 12, Osada and Benaloh teach all the subject matter as described above. Osada and Benaloh do not teach an apparatus/method/medium, wherein the message data, indicating the digital content cannot be reproduced by the consumer reproduction apparatus includes a plurality of character strings which are each written in a different language. However **Quinnett** teaches displaying message on the screen in different language (Quinnett Col. 4 lines 13-23). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Quinnett with in the combination system of Osada and Benaloh because it would allow to display messages in different language that people who speak different language could understand the copyright message.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eleni Shiferaw

June 9, 2005

CEL
6/9/05